

**ORDINANCE NO. 16-2298**

**AN ORDINANCE TO AMEND A PORTION OF CHAPTER 10, SECTION 10-2 ENTITLED "JURISDICTION" OF MUNICIPAL CODE OF THE CITY OF HOOVER; TO MODIFY CHAPTER 10, SECTION 10-3 ENTITLED "WHERE AND WHEN HELD"; TO AMEND A PORTION OF CHAPTER 10, SECTION 10-7 ENTITLED "MAGISTRATES"; TO AMEND CHAPTER 10, SECTION 10-18 ENTITLED "SCHEDULE OF FINES"; TO DELETE CHAPTER 10, SECTION 10-30 ENTITLED "FINES"; TO AMEND A PORTION OF CHAPTER 11, ARTICLE II, SECTION 11-31 ENTITLED "MISDEMEANORS"; TO DELETE CHAPTER 9, ARTICLE I, SECTION 9-2 ENTITLED "ADOPTION OF STATE MISDEMEANORS"; MODIFICATION OF CHAPTER 9, ARTICLE I, SECTION 9-3; AND TO DELETE CHAPTER 11, ARTICLE II, SECTION 11-32 ENTITLED "VIOLATION OF THE FEDERAL MOTOR CARRIER AND SAFETY REGULATIONS.**

**BE IT ORDAINED** by the City Council of the City of Hoover at a regular meeting, duly assembled, a quorum being present, as follows:

**Section 1. ADDITION TO CHAPTER 10, SECTION 10-2 OF MUNICIPAL CODE OF THE CITY OF HOOVER.** Chapter 10, Section 10-2 entitled "Jurisdiction" is amended by adding another sentence to the paragraph such that the section will now read as follows:

The council of the city shall appoint the judge of the municipal court of the city for a term of two (2) years or until his successor is duly appointed and qualified. The compensation of the judge of the municipal court of the city shall be fixed from time to time by the council and the council shall from time to time by motion prescribe the times and places for the holding of the court. The council shall appoint persons to serve as prosecutor of the court and shall, if it deems necessary, also appoint alternate judges and alternate prosecutors to serve in the absence of the regular appointees. In all appeals from the municipal court, the city shall be represented by the city attorney or his designee.

**Section 2. MODIFICATION OF CHAPTER 10, SECTION 10-3 OF MUNICIPAL CODE OF THE CITY OF HOOVER.** Chapter 10, Section 10-3 entitled "Where and when held" is modified by deleting such section in its entirety and replacing it with the following:

**Section 10-3. Where and when held.**

The municipal court shall hold court at such times and place as the governing body may determine with the advice of the municipal judge.

**Section 3. MODIFICATION OF CHAPTER 10, SECTION 10-7 OF MUNICIPAL CODE OF THE CITY OF HOOVER.** Chapter 10, Section 10-7 entitled "Magistrates" is amended such that the section will now read as follows:

The City shall appoint one or more magistrates for the city pursuant to Rule 18 of the Alabama Rules of Judicial Administration. The powers of the magistrate shall be limited to:

- (1) Issuance of arrest warrants.
- (2) Granting of bail under the direction of the court in minor misdemeanor prosecutions.
- (3) Receiving of pleas of guilty in minor misdemeanors where a schedule of fines has been adopted by the council.

- (4) Accountability to the court for all uniform traffic tickets and complaints, moneys received and records of offenses.
- (5) Accepting and screening affidavits of substantial hardship upon a municipal judge's approval and, if authorized by court order, assigning attorneys on a rotating basis from a list approved by the court.
- (6) Conducting arraignments and setting nonguilty pleas for trial, upon a municipal judge's approval.
- (7) Opening court and calling the docket, upon a municipal judge's approval.
- (8) Granting continuances in municipal ordinance violation cases, upon a municipal judge's approval.
- (9) Dismissing no driver's license violations pursuant to Section 32-6-9 of the Code of Alabama where the defendant shows proof of a driver's license at the time the citation was written.
- (10) Dismissing mandatory liability insurance violations pursuant to Section 32-7A-20 of the Code of Alabama where the defendant has produced satisfactory evidence that at the time of the citation the motor vehicle was covered by a liability insurance policy in accordance with Section 32-7A-4 of the Code of Alabama.
- (11) Dismissing equipment violations where a municipal ordinance allows and where the law enforcement officer signs the Uniform Traffic Ticket and Complaint (UTTC) verifying that the equipment has been replaced.
- (12) Any other authority as may be granted by law.

**Section 4. MODIFICATION OF CHAPTER 10, SECTION 10-18 OF MUNICIPAL CODE OF THE CITY OF HOOVER.** Chapter 10, Section 10-18 entitled "Schedule of fines" is modified by deleting such section in its entirety and replacing it with the following:

**Sec. 10-18. Schedule of fines adopted; Exceptions.**

- A. The schedule of fines adopted and promulgated by the Supreme Court of Alabama, as amended from time to time, shall be applicable in the municipal court and shall be included on the city magistrates' schedule of fines as provided by Rule 20(C) of the Alabama Rules of Judicial Administration, as amended or as otherwise provided by law. This section authorizes the magistrates of the city to accept payment for any violations enumerated within Rule 20 of the Alabama Rules of Judicial Administration, including the Supreme Court's extended schedule of fines appearing as Appendix B to Rule 20 (as amended or as otherwise provided by law).

In addition, the magistrate is hereby authorized to accept payment of the following fines:

- (1) Violations of any standard codes adopted by the city:
  - a. First offense ..... \$50.00
  - b. Second offense .... \$100.00

- (2) Violations of Ord. No. 97-1539 (Section 9-83 of the Municipal Code of the City of Hoover):
  - a. First offense ..... \$40.00
  - b. Second offense ..... \$100.00
- (3) Violations of Section 9-191 of the Municipal Code of the City of Hoover: \$100.00
- (4) Speeding in a school zone:
  - a. Less than 25 MPH over posted speed limit: \$40
  - b. 25 MPH or more over posted speed limit: \$80
- (5) No tag: \$50

**Section 5. DELETION OF CHAPTER 10, SECTION 10-30 OF MUNICIPAL CODE OF THE CITY OF HOOVER.** As the schedule of fines in set forth in Section 10-18, Chapter 10, Section 10-30 entitled "Fines" is deleted and shall be noted in the Code as "Reserved".

**Section 6. MODIFICATION OF CHAPTER 11, ARTICLE II, SECTION 11-31 OF MUNICIPAL CODE OF THE CITY OF HOOVER.** Chapter 11, Article II, Section 11-31 entitled "Misdemeanors" is modified by deleting such section in its entirety and replacing it with the following:

**Sec. 11-31. Adoption of State misdemeanors and violations; Adoption of the Federal motor carrier and safety regulations; Penalties.**

Any person committing an offense within the corporate limits of the city or within the police jurisdiction thereof which is declared by a law or laws of the state, now existing or hereafter enacted, to be a misdemeanor or a violation shall be guilty of an offense against the city. In addition to all other provisions of law relating to the speed and operation of motor vehicles in the city, there is adopted by the city all laws of the State of Alabama and all rules and regulations of the state highway department pertaining to the control of traffic and motor vehicles on highways, that are misdemeanors under the state laws and a violation of such laws, rules and regulations in the city or in the police jurisdiction thereof shall be violations of this section.

Any person committing an offense within the corporate limits of the city or within the police jurisdiction thereof which is declared to be a violation of the federal motor carrier and safety regulations as authorized by the code of federal regulations as they now exist or may hereinafter be enacted shall be guilty of an offense against the city.

Violations of this section shall be punished in accordance with the provisions of sections 1-5 or 1-6 of this Code or as otherwise provided by law.

**Section 7. DELETION OF CHAPTER 9, ARTICLE I, SECTION 9-2 OF MUNICIPAL CODE OF THE CITY OF HOOVER.** Chapter 9, Article I, Section 9-2 entitled "Adoption of State Misdemeanors" is deleted and shall be noted in the Code as "Reserved."

**Section 8. MODIFICATION OF CHAPTER 9, ARTICLE I, SECTION 9-3 OF MUNICIPAL CODE OF THE CITY OF HOOVER.** Chapter 9, Article I, Section 9-3 entitled "Conflict with state law" is modified by deleting such section in its entirety and replacing it with the following:

**Sec. 9-3. - Conflict with state law.**

In the event of a conflict with state law with regard to any subject in this chapter, the state law shall prevail in lieu of such conflicting or contradictory section or provision.

**Section 9. DELETION OF CHAPTER 11, ARTICLE II, SECTION 11-32 OF MUNICIPAL CODE OF THE CITY OF HOOVER.** Chapter 11, Article II, Section 11-32 entitled "Violation of the Federal Motor Carrier and Safety Regulations" is deleted and shall be noted in the Code as "Reserved."

**Section 10. ORDINANCE CUMULATIVE.** All other provisions of the *Municipal Code of the City of Hoover, Alabama* shall remain in full force and effect and shall not be affected by this Ordinance.

**Section 11. DELETION OF CHAPTER 9, ARTICLE I, SECTION 9-2 AND CHAPTER 11, ARTICLE II, SECTION 11-32 SHALL NOT AFFECT CITATIONS OR COMPLAINTS ISSUED PRIOR TO ORDINANCE EFFECTIVE DATE; OTHER ORDINANCES IN CONFLICT REPEALED.** It is the intention of this Ordinance to codify Chapter 9, Article I, Section 9-2 and Chapter 11, Article II, Section 11-32 within a single section of the *Municipal Code of the City of Hoover, Alabama* to streamline the citation and/or complaint issuance process by the City. All citations and complaints issued under Chapter 9, Article I, Section 9-2 or Chapter 11, Article II, Section 11-32 on or before the effective date of this Ordinance shall not be invalidated by the passage of this Ordinance. Furthermore, all other ordinances or parts of ordinances heretofore adopted by the City Council of the City of Hoover, Alabama that are inconsistent with the provisions of this Ordinance are hereby expressly repealed.

**Section 12. SEVERABILITY.** If any part, provision, or section of this Ordinance is declared to be unconstitutional or invalid by any court of competent jurisdiction, all other parts, provisions or sections of this Ordinance not thereby affected shall remain in full force and effect.

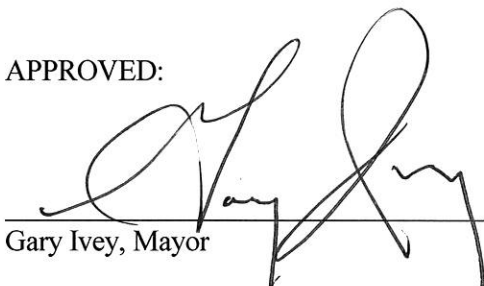
**Section 13. EFFECTIVE DATE OF ORDINANCE.** This Ordinance shall be in full force and effect upon adoption and shall continue in full force and effect from month to month and year to year from its effective date until repealed.

THEREFORE, BE IT ORDAINED, that the City Council of the City of Hoover does hereby enact the foregoing Ordinance for the City of Hoover.

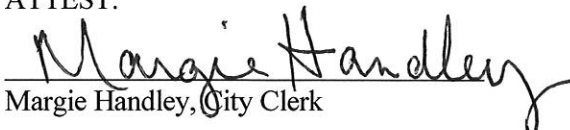
DONE this the 21<sup>st</sup> day of March, 2016.

  
Brian Skelton, Council President Pro-Tempore

APPROVED:

  
Gary Ivey, Mayor

ATTEST:

  
Margie Handley, City Clerk